

# MINUTES OF THE CITY PLANNING COMMISSION

## J. MARTIN GRIESEL ROOM

September 19, 2003  
9:00 AM

Present: Appointed Members: Peter Witte, Donald Mooney, Jacquelyn McCray;  
Councilmember Jim Tarbell, Community Development and Planning Staff:  
Peg Moertl, Director; Skip Forwood, Acting Chief Planner

Mr. Mooney called the meeting to order.

## MINUTES

The minutes of July 23, 2003 of the City Planning Commission (CPC) meeting were presented for consideration.

**Motion:** Mr. Witte moved approval of the minutes.

**Second:** Ms. McCray

**Vote:** All ayes (4-0), motion carries.

## CONSENT ITEM

### **REPORT AND RECOMMENDATION FOR THE SALE OF SURPLUS CITY-OWNED REAL PROPERTY LOCATED AT 1426 REPUBLIC STREET TO CFI MIDWEST, INC., WHICH REAL PROPERTY IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE.**

The property is located in an area zoned R-7 (Multi-Family High-Density District) and is situated in the Over-the-Rhine Historic District. Midwest, Inc. owns an apartment building at 1428 Republic Street, the abutting property to the north, and the company intends to improve 1426 Republic Street as a parking lot and pocket park for its tenants. The City's Real Estate Services Division has appraised the property's fair market value at \$1,200, and the petitioner, CFI Midwest, Inc., has deposited this amount with the City Treasurer. In addition to the requirements of the Zoning Code, the parking lot must also comply with the Over-the-Rhine Historic District Conservation Guidelines. These guidelines state that cars in parking lots should be screened from public view. Appropriate screening includes low masonry walls in conjunction with planting areas and landscaping, low masonry walls with wrought iron fencing, and planting areas with landscaping and wrought iron fencing. Off-street parking in Over-the-Rhine, despite the presence of numerous vacant lots, is at a premium. Staff recommends approval.

### **REPORT AND RECOMMENDATION FOR THE SALE OF RUSS ALLEY BETWEEN REPUBLIC STREET AND GOOSE ALLEY TO ST. ANTHONY VILLAGE, LLC, WHICH REAL PROPERTY IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE.**

This narrow alley measures approximately 12'-0" in width and extends approximately 126'-0" between Goose Alley and Republic Street. Historically, it provided pedestrian

and later automobile access to a series of brick residences that lined Goose Alley and Russ Alley. The remaining section of Russ Alley, which extends between Republic Street and Vine Street, will remain under City of Cincinnati ownership. The housing development proposed by St. Anthony Village, LLC, including the use of Russ Alley for a courtyard area, supports the implementation of the Over-the-Rhine Comprehensive Plan's goals. Staff recommends approval.

**A REPORT AND RECOMMENDATION ON AN ORDINANCE TO ACCEPT AND CONFIRM THE DEDICATION OF PERMANENT EASEMENTS WITHIN HAMILTON COUNTY TO PUBLIC USE FOR CONSTRUCTION, MAINTENANCE, REPAIR AND REPLACEMENT OF WATER MAINS AND WATER MAIN APPURTENANCES.**

Several permanent easements are needed for the construction, maintenance, repair and replacement of water mains and appurtenances in accordance with the following plats to accommodate private development throughout Hamilton County:

MISC #27, Section 11, Township 2, Fractional Range,  
Green Township  
WSL #3206, Mill Road Station Phase 11  
E#628, Section 1, Town 3, Range 2, Millcreek Township  
WSL #3393, Pebble Creek Golf Course,

Boomer Road  
West Kemper Rd  
Eastern Avenue  
Prechtel Road

Staff recommends approval.

**A REPORT AND RECOMMENDATION ON AN ORDINANCE TO ACCEPT AND CONFIRM THE DEDICATION OF SEVERAL PERMANENT EASEMENTS WITHIN HAMILTON COUNTY TO PUBLIC USE FOR CONSTRUCTION, MAINTENANCE, REPAIR AND REPLACEMENT OF WATER MAINS AND WATER MAIN APPURTENANCES.**

Several permanent easements are needed for the construction, maintenance, repair and replacement of water mains and appurtenances in accordance with the following plats to accommodate private development throughout Hamilton County:

WSL #3387, Monte Vista P.U.D. Area, Green Township  
WSL #3410, Wietz Estates Subdivision  
WSL #3310, Kleeman Green P.U.D., Phase 1  
WSL #3351, Kleeman Green, Phase 11  
WSL #3424, Forest Fair Mall, City of Forest Park

Monte Vista  
Weitz Drive  
Kleeman Road  
Kleeman Green Drive  
Gilmore Road

Staff recommends approval.

**A REPORT AND RECOMMENDATION ON AN ORDINANCE TO ACCEPT AND CONFIRM THE DEDICATION OF PERMANENT EASEMENTS WITHIN HAMILTON COUNTY TO PUBLIC USE FOR CONSTRUCTION, MAINTENANCE, REPAIR AND REPLACEMENT OF WATER MAINS AND WATER MAIN APPURTENANCES.**

Several permanent easements are needed for the construction, maintenance, repair and replacement of water mains and appurtenances in accordance with the following plats to accommodate private development throughout Hamilton County:

WSL #3388, Whitewater Woods	Harrison Road
WSL #3390, Section 11, Town 2, Range 1 East, Crosby Township	New Haven & Willey Rd
WSL #3390, Section 11, Town 2, Range 1 East, Crosby Township	New Haven & Willey Rd
WSL #3390, Section 11, Town 2, Range 1 East, Crosby Township	New Haven & Willey Rd
WSL #3378, Mariemont Subdivision	Wooster Pike-U.S. Rte 50
WSL #3370, Columbia Township	Ridge & Highland Ave
WSL #3328, Hawkhurst at Aston Woods Subdivision	Hamptonshire Drive
WSL #3261, Austin Ridge Block 'B'	Austin Ridge Drive
WSL #3406, Keegan Court Subdivision	Rapid Run Rd
WSL #3405, Autumn Oak Ridge Subdivision	Ruwe's Oak & Rybolt Rd
WSL #3328, Chadwell Springs at Aston Woods Subdivision	Hamptonshire Drive

Staff recommends approval.

**A REPORT AND RECOMMENDATION ON THE DEDICATION OF PERMANENT EASEMENTS TO PUBLIC USE FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF STORM SEWERS AND APPURTENANCES AND AUTHORIZING THE RELEASE OF AN EXISTING SEWER EASEMENT IN ACCORDANCE WITH A PLAT ENTITLED *EASEMENT FOR SEWER 15 FAR HILLS LANE, STORM SEWER REPLACEMENT* IN HYDE PARK.**

This easement replaces part of an existing storm sewer-related easement conveyed to the City by Deed on the plat entitled *Easement for Sewer 15 far Hills Lane, Storm Sewer Replacement*. This new easement affords MSD access for construction, operation and maintenance on a storm sewer on private property. This easement is necessary for construction, operation and maintenance of a public storm sewer and appurtenances located on private property. Staff recommends acceptance.

**A REPORT AND RECOMMENDATION ON A PLAT OF DEDICATION FOR THE EXTENSION OF EDGEHILL PLACE FOR THE EDGEHILL SUBDIVISION IN NORTH AVONDALE.**

Ultra Technic Services, Inc., civil engineers on behalf of Bassett Development Corporation, the owner and developer, has submitted a Plat of Dedication for the extension of Edgehill Place as a part of the Edgehill Subdivision. The Plat of Dedication has been reviewed and approved by all reviewing agencies. Once the right-of-way is dedicated, the streets will be constructed according to the approved Subdivision Improvement Plan. The plat dedicates a 50-foot right-of-way for a new 280-foot extension of Edgehill Place. The existing zoning is R-1 Single-family District. In addition, the plat dedicated a 20-foot sanitary sewer line easement that extends towards Greenwood Avenue and a 15-foot storm water line easement that extends towards Washington Avenue. Staff recommends approval.

**A REPORT AND RECOMMENDATION ON A SUBDIVISION IMPROVEMENT PLAN FOR THE EDGEHILL SUBDIVISION IN THE NORTH AVONDALE NEIGHBORHOOD.**

Ultra Technic Services, Inc., civil engineers on behalf of Bassett Development Corporation, the owner and developer, has submitted a Subdivision Improvement Plan (SIP) for the Edgehill Subdivision. The plans have been reviewed and approved by all reviewing agencies. The existing Edgehill terminus will be realigned and improved with new sidewalks and retaining walls as part of this improvement plan. The subdivision is located at the northwest terminus of the existing Edgehill Place. The development site consists of 4.464 acres in size and is zoned R-1 Single-family District requiring 10,000 square feet minimum lot sizes. Edgehill Place will be extended 280 feet within a dedicated 50-foot right-of-way. Staff recommends authorizing the development.

**REPORT AND RECOMMENDATION FOR THE SALE OF SURPLUS CITY-OWNED PROPERTY LOCATED AT 5021 AND 5105 WHETSEL AVENUE, WHICH PROPERTY IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE.**

The purpose is to sell surplus property at 5021 and 5105 Whetsel Avenue in Madisonville for cash to the highest bidder. The Recreation Commission is considering selling the surplus vacant Madisonville Senior Center and parking lot at 5021 and 5105 Whetsel Avenue owned by the City in Madisonville. The property whose fair market value is \$253,850 as determined by appraisal will be sold by quit claim deed to the highest bidder. Staff recommends approval.

**A REPORT AND RECOMMENDATION ON THE DEDICATION OF PERMANENT EASEMENTS TO PUBLIC USE FOR CONSTRUCTION, MAINTENANCE, REPAIR AND REPLACEMENT OF WATERS MAINS AND WATER MAIN APPURTENANCES IN ACCORDANCE WITH PLATS DESIGNATED AS: "WSL #3367, THE MEADOWS OF WRIGHT FARMS, PHASE 3, BEECH DRIVE" AND "WSL #3347, NORTHWEST BUSINESS CENTER SUBDIVISION, PICTORIA DRIVE" AND "WSL #3432, PART OF A 22.449 ACRE TRACT, SECTION 25, TOWN 2, FRACTIONAL RANGE 2, GREEN TOWNSHIP, DEVIL'S BACK BONE ROAD" AND "WSL #3433, ROLLING RIDGE, REEMLIN ROAD" AND WSL #3436, BLACKWOLF RUN SUBDIVISION, BLACKWOLF RUN ROAD" AND "WSL #3405, AUTUMN OAK RIDGE, PHASE II, MEGAN'S OAK COURT AND JESSICA OAK COURT".**

The City was granted easements by private developers for public use of water mains on private property. These easements afford the city access to the water mains on the property and ensure systems integrity, a higher quality product, and maintenance on the system. The City Planning Department staff has no objection to the dedication of permanent easements on private property as specified above. Staff recommends acceptance.

**Motion:** Ms. McCray moved approval of Items 1 through 8B of the consent agenda.

**Second:** Mr. Witte

**Vote:** All ayes (4-0), motion carries.

**BY-LEAVE****A REPORT AND RECOMMENDATION ON THE DESIGNATION OF AN EMERGENCY INTERIM DEVELOPMENT CONTROL (IDC) DISTRICT, FOR THE KENNEDY HEIGHTS-MONTGOMERY ROAD COMMERCIAL CORRIDOR WITHIN THE KENNEDY HEIGHTS NEIGHBORHOOD AS IDC NO. 57.**

Mr. Tarbell stated that the community is struggling to stabilize the intersection of Kennedy Avenue and Montgomery Road and achieve a level of development which precludes vacant buildings in deteriorating condition.

The community is excited about the Kennedy Heights Community Art Center. There has been interest expressed to building a drive through carry out (beer/wine) across the street from the art center which is contrary to the direction the community has been going.

Steven Kurtz, Administrator, stated that the property is currently zoned B-2. The proposed zoning is Commercial Neighborhood-Mixed (CN-M). The comprehensive plan for Kennedy Height that the Planning Commission adopted identified the area to be rezoned as a Planned Development District to try to implement the desirable businesses that the plan identifies and the IDC would control development until the new code is adopted.

**Motion:** Mr. Tarbell moved to approve the IDC

**Second:** Mr. Witte

**Vote:** All ayes (4-0), motion carries.

**A REPORT AND RECOMMENDATION ON THE DONATION OF 7.5 ACRES OF CITY-OWNED PROPERTY NORTH OF WESTMONT DRIVE TO THE ALTIORA FUND FOR THE ELDER HIGH SCHOOL PANTHER ATHLETIC COMPLEX (W. PRICE HILL).**

Mr. Witte commented that it is anticipated to be a two million dollar investment to finish the project.

**Motion:** Mr. Tarbell moved to approve the donation of land.

**Second:** Mr. Witte

**Vote:** All ayes (4-0), motion carries.

**DISCUSSION:****A REPORT AND RECOMMENDATION ON PUBLIC COMMENTS FROM THE AUGUST 28, 2003 CPC MEETING REGARDING THE ZONING CODE UPDATE AND PROPOSED ZONING MAPS FOR THE CITY OF CINCINNATI.**

Carl Uebelacker, 2851 Victoria, 45208 stated that he is attending on behalf of the Cincinnati Neighborhood Zoning Task Force. Mr. Uebelacker requested time and information. Mr. Uebelacker stated that there is no way to know what changes were

made between the June, March and August copies of the code. Mr. Eubelacker requested the Commission to freeze the code and give the communities 12 hard copies of the code to work with and to ensure that any changes done from September 19, 2003 are included on the web site and in notification to the neighborhoods. Mr. Eubelacker wants more time to meet with staff and members of the Planning Commission in a working session and not a public meeting to discuss text changes.

Mr. Kurtz stated that in March 2002, a hard copy of the code was sent to every community council president in the city and in August 2002, another hard copy was sent to every community council president. A staff report to the City Planning Commission indicated the only changes between the March and August copy were primarily formatting changes and some editorial changes that were authorized by the City Planning Commission. Mr. Kurtz stated that the changes to the RMX were shared with Mr. Woolenweber. Ms. Moertl suggested doing a final update report memo that has the staff reports attached and send it out to the community councils.

Mr. Kurtz stated that staff took a suburban-oriented zoning code and were directed to modify it to reflect the built-out older environment of the city. There are three neighborhoods that have issues with the zoning code: North Avondale, Hyde Park and Winton Hills/Winton Place. Mr. Kurtz stated that Mt. Adams, Westwood, Pleasant Ridge, East Walnut Hills and Walnut Hills have all indicated their satisfaction with the zoning code, particularly the RMX and smaller lot size single-family development. Mr. Kurtz stated that staff proposed changing the development regulations in the RMX, but if staff keeps moving in that direction, this could start to harm the other neighborhoods that are viewing the RMX very favorably. Mr. Kurtz offered, if there is an area presently Zoned R-3 that has been recommended for RMX, at the direction of the Planning Commission, staff would change these to a single-family district and the designation will be determined by the predominate lot size within the existing zoning district.

Jackie McCray stated that a clear rationale and criteria should be documented for all changes to and from the RMX zoning designation. Mr. Mooney responded that he feels the rationale is the development pattern toward single-family larger lot.

Mr. Mooney asked about the manufacturing district in Winton Place. Mr. Kurtz responded that one of the goals was to consolidate districts where possible and create more mixed-use opportunities for development. The ML is the most restrictive manufacturing district and allows housing as a permitted use and some of the commercial uses found in the M-2. Mr. Kurtz stated that staff is trying to strike a balance with all the competing interests and needs in the city.

Mr. Mooney asked about placing an IDC in Winton Place/Winton Hills once the code is adopted. Mr. Kurtz responded that the only reason an IDC would be established is because the administration has committed to the two neighborhoods that the Planning staff would do a land use plan once the code is adopted to look at the unique land uses and to identify through zoning how to best address the situation. The purpose of the IDC would be for any applications for development to come through the Commission for review before the permits are issued subject to the development being compatible with the direction of the land use plan.

Ms. Moertl proposed that staff would summarize the policy change along with the August staff report and get those out to the community councils early next week.

Mr. Mooney requested staff to prepare an outline of comments reacting to each of the suggestions.

## ADJOURNMENT

With no further business to consider, the meeting was adjourned.

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Margaret M. Moertl, Director  
Community Development & Planning

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Donald Mooney, Chairman  
City Planning Commission

Date:\_\_\_\_\_

Date:\_\_\_\_\_